

July 30, 2020

Dermot Shea
Commissioner
New York City Police Department
1 Police Plaza
New York, NY 10038

Re: Termination of NYPD's Special Expense Procurement and Contracting Process

Dear Commissioner Shea:

I am writing today to notify your offices of my intent to terminate the procurement and contracting processes that have long been utilized by the NYPD to purchase what it deems to be “classified, confidential special expense” (SPEX) goods and services, with termination effective beginning August 27th, 2020. Specifically, due to recent legislative action by the City Council¹, I believe it is time to end the Memorandum of Understanding (MOU) that was signed under previous Mayoral and Comptroller administrations and, since 2007, has allowed the NYPD to bypass certain procurement processes and oversight measures when it comes to purchasing surveillance and other equipment under its “special expense” budget.

As you know, the New York City Council recently passed the Public Oversight of Surveillance Technology (POST) Act, which requires that the NYPD disclose the full range of surveillance technologies in its arsenal and publish a use policy detailing the capabilities of each system, as well as any rules, processes and guidelines that the department has established to protect the information collected².

The POST Act will help to bring some light to those technologies, and in doing so it will also render moot a significant amount of the secrecy that the department has long insisted on bringing to the procurements it designates as classified, confidential special expenses. I recognize the need to take appropriate measures to protect the confidentiality of certain police activities to ensure public safety as well as the safety of NYPD personnel. At the same time, I believe that it is time to terminate the MOU that has governed these purchases for more than a decade, and develop new processes that maximize transparency and accountability.

My office will be in touch to schedule a meeting to discuss these issues.

Sincerely,



Scott M. Stringer
New York City Comptroller

¹ <https://council.nyc.gov/press/2020/06/16/1984/>

²

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343878&GUID=996ABB2A-9F4C-4A32-B081-D6F24AB954A0>